

CHAPTER 20:68:01
LICENSING REQUIREMENTS

Section

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20:68:01:06. Exemptions from certain licensing requirements. The board may grant a license as a licensed professional counselor to any applicant if the requirements pursuant to SDCL 36-32-13.2 and the following are met:

(1) Has attained at least a master's degree in counseling or a related mental health field prior to January 1, 2008 and acceptable to the board as evidenced by an official educational transcript;

(2) Submits three letters of verification on forms provided by the board documenting a minimum of ten years of at least half-time professional counseling as defined in SDCL subdivision 36-32-1(5) in the immediate fifteen years preceding the date of the application; and

(3) Completes an application by January 1, 2008 pursuant to §§ subdivisions 20:68:01:02 (1)(3)(5).

Source:

General Authority: SDCL 36-32-26.

Law Implemented: SDCL 36-32-13, 36-32-13.2.

20:68:02:03. Fee schedule. The fees applicable under this chapter are nonrefundable.

The fee schedule is as follows:

- (1) Licensed professional counselor application fee, \$100;
- (2) Initial license fee for licensed professional counselor, \$100;
- (3) Annual license renewal fee for licensed professional counselor, \$100;
- (4) Duplicate license, \$20;
- (5) Endorsement application fee, \$100;
- (6) ~~National examination fee, \$125;~~
- (7) ~~Reexamination fee, \$20;~~
- (8) Late renewal fee, \$50, in addition to the annual license renewal fee for licensed professional counselor;
- (9) (7) Continuing education program application fee, \$25.

Source: 18 SDR 67, effective October 16, 1991; 22 SDR 97, effective January 24, 1996; 25 SDR 85, effective December 22, 1998; 26 SDR 150, effective May 21, 2000; 28 SDR 51, effective October 14, 2001; 30 SDR 121, effective February 17, 2004.

General Authority:SDCL 36-32-26.

Law Implemented:SDCL 36-32-13, 36-32-16, 36-32-19, 36-32-20, 36-32-23.

CHAPTER 20:68:04
PLAN OF SUPERVISION

Section

20:68:04:01 Plan of supervision.

20:68:04:01.01 Exception to plan of supervision.

20:68:04:02 Supervisor requirements and duties.

20:68:04:03 Supervision requirements.

20:68:04:01. Plan of supervision. The training supervisee and training supervisor shall sign a written training supervision agreement on a form designated by the board. The agreement must be approved by the board prior to beginning the training experience. The supervisee shall file the written training supervision agreement with the board that contains the following:

- (1) The supervisee's name and mailing address;
- (2) ~~The supervisee's social security number;~~
- (3) The supervisor's name and mailing address;
- ~~(4)~~(3) The supervisor's qualifications including license number and issue date;
- ~~(5)~~(4) The supervisor's place of employment; ~~and~~
- ~~(6)~~(5) The supervisee's signed acknowledgement and agreement to adhere to the American Counseling Association Code of Ethics and Standards of Practice; and
- (6) The setting where the counseling experience will take place.

If it is necessary for the supervisee to change supervisors, the supervisee shall contact the board within 30 days of the change and provide an updated training supervision agreement.

Source: 18 SDR 67, effective October 16, 1991; 22 SDR 97, effective January 24, 1996; 25 SDR 85, effective December 22, 1998; 28 SDR 51, effective October 14, 2001; 32 SDR 32, effective August 29, 2005.

General Authority: SDCL 36-32-26.

Law Implemented: SDCL 36-32-13(6), 36-32-26.

Reference: American Counseling Association Code of Ethics and Standard of Practice, July 1, 1995~~2005~~. Free copies may be obtained by writing to ACA Distribution Center, P.O. Box 791019, Baltimore, MD 21279-1019, by contacting ACA at 800-422-2648 x 222, or online at www.counseling.org.

20:68:04:01.01. Exception to plan of supervision. An applicant who has obtained supervised training outside South Dakota and otherwise meets the supervision requirements pursuant to this chapter may have the supervised training considered for licensure in lieu of the plan of supervision as required in §20:68:04:01.

Source:

General Authority: SDCL 36-32-26.

Law Implemented: SDCL 36-32-13(6), 36-32-26.

20:68:04:02. Supervisor requirements and duties. ~~The supervisor must be a licensed professional counselor, licensed professional counselor-mental health, licensed marriage and family therapist, certified social worker private, independent practice, licensed psychologist or psychiatrist for at least three years before beginning supervision.~~
The supervisor must be:

(1) An Approved Clinical Supervisor (ACS) credentialed by the Center for Credentialing & Education, Inc. and recognized by the National Board for Certified Counselors, Inc. (NBCC) and Affiliates; or

(2) A licensed professional counselor, licensed professional counselor-mental health, licensed marriage and family therapist, certified social worker-private independent practice, licensed psychologist or psychiatrist who has been actively licensed for at least three years prior to the beginning of supervision; or

(3) A licensed professional counselor, licensed professional counselor-mental health, licensed marriage and family therapist, certified social worker-private independent practice, licensed psychologist or psychiatrist who has been actively licensed for at least one year plus evidence of completing 15 hours of supervision training acceptable to §20:68:07:09 and all prior to the beginning of supervision; or

(4) An American Association for Marriage and Family Therapy approved supervisor.

Any exceptions must be approved by the board. The supervisor shall comply with the American Counseling Association Code of Ethics and Standards of Practice. The supervisor shall provide for the following:

- (1) That client welfare is protected;
- (2) That a supervisee functions within the limits of the supervisee's competence;
- (3) That the training occurs in activities relevant to the supervisee's position and academic background;
- (4) That the training expands and improves skills in areas for which the supervisee has academic background but inadequate training; and
- (5) That the training covers theoretical approaches in the following areas:
 - (a) Counseling psychotherapy techniques;
 - (b) Appraisal, evaluation, and diagnostic procedures;
 - (c) Treatment planning and implementation;
 - (d) Case management and record keeping;
 - (e) Professional identity and function, and
 - (f) Professional ethics and standards of practice.

Supervision shall include at a minimum two of the four following methods: the presentation and staffing of cases, the critiquing of audio and video counseling tapes, the direct observations of the supervisee, or the co-counseling with the supervisee.

The supervisor shall document evidence of complying with the requirements on a form provided by the board upon completion of the supervision.

Source: 18 SDR 67, effective October 16, 1991; 25 SDR 85, effective December 22, 1998; 28 SDR 51, effective October 14, 2001; 32 SDR 32, effective August 29, 2005.

General Authority: SDCL 36-32-26.

Law Implemented: SDCL 36-32-13(6), 36-32-26.

References: American Counseling Association Code of Ethics and Standard of Practice, ~~July 1, 1995~~ 2005. Free copies may be obtained by writing to ACA Distribution Center, P.O. Box 791019, Baltimore, MD 21279-1019, by contacting ACA at 800-422-2648 x 222, or online at www.counseling.org. National Board for Certified Counselors, 3 Terrace Way, Suite A, Greensboro, NC 27403, 336-547-0607, www.nbcc.org. American Association for Marriage and Family Therapy, 112 S. Alfred Street, Alexandria, VA 22314, 703-838-9808, www.aamft.org.

20:68:04:03. Supervision requirements. Supervision is an intensive, interpersonal, focused relationship in which an approved supervisor is designated to facilitate the development of the therapeutic competence of training supervisees. At least 2,000 hours of ~~full-time~~ post-graduate counseling experience must be completed within ~~three~~ five years, of which at least 800 hours is direct client contact and the remainder is counseling-related activities. A minimum of one hour of ~~face-to-face~~ supervision per week must take place for a total of at least 100 hours. Of these 100 hours, at least 50 hours shall be face-to-face. The balance may be face-to-face, group, or by telephone conferencing or interactive video conferencing. However, any telephone or video conferencing must be secure such that reasonable precautions have been taken to ensure that the conference will not be intercepted or listened to by unauthorized persons. Compliance shall be recorded on a supervision tracking form. For the purpose of this chapter, if a supervisor supervises one or two supervisees per session it is individual supervision, and if a supervisor supervises three to six supervisees, it is group supervision. No more than 50 percent of the required hours may be group supervision hours.

Source: 18 SDR 67, effective October 16, 1991; 22 SDR 97, effective January 24, 1996; 25 SDR 85, effective December 22, 1998; 28 SDR 51, effective October 14, 2001; 32 SDR 32, effective August 29, 2005.

General Authority: SDCL 36-32-26.

Law Implemented: SDCL 36-32-13(6), 36-32-26.

20:68:05:01. Examinations. ~~Applicants shall submit applications and application fees to the board at least 30 days before the date of the examinations. The applicant shall pay fees assessed for the written examinations directly to the board.~~

The National Counselor Examination (NCE) is the national examination for licensed professional counselors approved by the board. The applicant shall apply, and pay fees, directly to NBCC. ~~The national examination shall be offered three times a year.~~ A state examination testing competency in ethics, continuing education requirements, and state laws related to counseling ~~shall~~ may be required in addition to the national examination. The board shall notify eligible applicants of the time and place of the ~~examinations~~ state examination.

Source: 18 SDR 67, effective October 16, 1991; 22 SDR 97, effective January 24, 1996; 25 SDR 85, effective December 22, 1998; 28 SDR 51, effective October 14, 2001.

General Authority: SDCL 36-32-13(7), 36-32-26.

Law Implemented: SDCL 36-32-13, 36-32-18.

20:68:07:01. Definitions. Terms in this chapter mean:

- (1) "Continuing education," an academic course, workshop, clinic, forum, lecture, program, seminar, or other educational activity developed for the purpose of increasing or sustaining the proficiency of the licensee in the practice of counseling;
- (2) "Licensee," a person licensed to practice as a licensed professional counselor, a licensed professional counselor-mental health, or a licensed marriage and family therapist in this state;
- (3) "Approved program," a continuing education program which meets the standards in § 20:68:07:08 and which has received the approval of the board;
- (4) "Approved sponsor," a person or organization sponsoring continuing education activities which has been approved by the board as a sponsor pursuant to § 20:68:07:09;
- (5) ~~"Inactive practitioner," an individual who has applied for a waiver of compliance with this chapter in accordance with § 20:68:07:15 and who has been granted a certificate of exemption by the board;~~
- ~~(6)~~ "In-house program," a program planned and presented by the licensee for the purpose of educating the staff;
- ~~(7)~~ (6) "Contact hour," ~~50-60~~ minutes of continuing education program.

Source: 23 SDR 8, effective July 25, 1996; 25 SDR 85, effective December 22, 1998.

General Authority: SDCL 36-32-23, 36-32-26, 36-32-43, 36-33-14.

Law Implemented: SDCL 36-32-23, 36-32-43, 36-33-14.

20:68:07:09. Approval of sponsors. The board will accept continuing education credits for programs accredited, approved, or presented by the following national organizations:

- (1) National Board for Certified Counselors (NBCC);
- (2) American Psychological Association (APA);
- (3) American Association of Marriage and Family Therapists (AAMFT);
- (4) National Association of Social Workers (NASW);
- (5) Commission on Rehabilitation Counselor Certification (CRCC);
- (6) ~~Continuing Medical Education (CME)~~ American Medical Association Physician's Recognition Award (AMA PRA); and
- (7) Joint Commission for Accreditation of Health Care Organizations (JCAHCO).

Source: 23 SDR 8, effective July 25, 1996; 25 SDR 85, effective December 22, 1998; 28 SDR 51, effective October 14, 2001; 30 SDR 121, effective February 17, 2004.

General Authority: SDCL 36-32-23, 36-32-26, 36-32-43, 36-33-14.

Law Implemented: SDCL 36-32-23, 36-32-43, 36-33-14.

20:73:02:02. Fee schedule. The fees applicable under this chapter are nonrefundable.

The fee schedule is as follows:

- (1) Licensed professional counselor -- mental health application fee, \$100;
- (2) Initial license fee for licensed professional counselor -- mental health, \$75;
- (3) Annual renewal fee for licensed professional counselor -- mental health, \$75;
- (4) Endorsement application fee, \$100;
- (5) ~~Examination fee, \$125;~~
- (6) ~~Reexamination fee, \$20;~~
- (7) Late renewal fee, \$50, in addition to the annual renewal fee for licensed professional counselor -- mental health.

Source: 25 SDR 85, effective December 22, 1998; 26 SDR 150, effective May 21, 2000;
30 SDR 121, effective February 17, 2004

General Authority:SDCL 36-32-19, 36-32-26, 36-32-43.

Law Implemented:SDCL 36-32-26.

20:73:04:01. Plan of supervision. The training supervisee and training supervisor shall sign a written training supervision agreement on a form designated by the board. The agreement must be approved by the board prior to beginning the training experience. The supervisee shall file the written training supervision agreement with the board which shall contain the following:

- (1) The supervisee's name and mailing address;
- (2) ~~The supervisee's social security number;~~
- ~~(3)~~ The supervisor's name and mailing address;
- ~~(4)~~(3) The supervisor's qualifications including license number and issue date; ~~and~~
- ~~(5)~~(4) The supervisor's place of employment; and
- (5) The setting where the counseling experience will take place.

If it is necessary for the supervisee to change supervisors, the supervisee shall contact the board within 30 days of the change and provide an updated training supervision agreement.

Source: 25 SDR 85, effective December 22, 1998; 30 SDR 121, effective February 17, 2004; 32 SDR 32, effective August 29, 2005.

General Authority: SDCL 36-32-43.

Law Implemented: SDCL 36-32-42, 36-32-43.

20:73:04:02. Supervisor requirements and duties. ~~No supervisor may supervise more than two training supervisees at one time without prior approval from the board. The supervisor must be a licensed mental health professional who holds the highest level of licensure within that supervisor's profession and has held that license for at least three years before beginning supervision of a supervisee. The supervisor must be:~~

(1) An Approved Clinical Supervisor (ACS) credentialed by the Center for Credentialing & Education, Inc. and recognized by the National Board for Certified Counselors (NBCC), Inc. and Affiliates, or

(2) A licensed professional counselor-mental health, licensed marriage and family therapist, certified social worker-private independent practice, licensed psychologist or psychiatrist who has been actively licensed for at least three years prior to the beginning of supervision, or

(3) A licensed professional counselor-mental health, licensed marriage and family therapist, certified social worker-private independent practice, licensed psychologist or psychiatrist who has been actively licensed for at least one year plus evidence of completing 15 hours of supervision training acceptable to §20:68:07:09 and prior to the beginning of supervision, or

(4) An American Association for Marriage and Family Therapy approved supervisor.

Any exception must be approved by the board. The supervisor shall comply with the American Counseling Association Code of Ethics and Standards of Practice. The supervisor shall provide for the following:

- (1) That client welfare is protected;
 - (2) That a supervisee functions within the limits of the supervisee's competence;
- and
- (3) That the training expands and improves skills in areas for which the supervisee has academic background but inadequate training.

Supervision shall include at a minimum two of the four following methods: the presentation and staffing of cases, the critiquing of audio and video counseling tapes, the direct observations of the supervisor, or the co-counseling with the supervisee.

The supervisor shall document evidence of complying with requirements on a form provided by the board upon completion of the supervision.

Source: 25 SDR 85, effective December 22, 1998; 32 SDR 32, effective August 29, 2005.

General Authority: SDCL 36-32-43.

Law Implemented: SDCL 36-32-42, 36-32-43.

References: American Counseling Association Code of Ethics and Standard of

Practice, ~~July 1, 1995~~ 2005. Free copies may be obtained by writing to ACA

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www.nbcc.org. American Association for Marriage and Family Therapy, 112 S. Alfred

Street, Alexandria, VA 22314, 703-838-9808, www.aamft.org.

20:73:04:03. Supervision requirements. Supervision is an intensive, interpersonal, focused, one-to-one relationship in which the approved supervisor is designated to facilitate the development of the therapeutic competence of a training supervisee. Completion of clinical experience and supervision as defined in SDCL subdivision 36-32-42(3) is required. The minimum of one hundred hours of supervision must consist of one hour of supervision per week. Supervision compliance shall be recorded on a supervision tracking form. For the purpose of this chapter, if a supervisor supervises one or two supervisees per session it is individual supervision, and if a supervisor supervises three to six supervisees, it is group supervision. No more than 50 percent of the required hours may be group supervision hours.

Source: 25 SDR 85, effective December 22, 1998; 30 SDR 121, effective February 17, 2004; 32 SDR 32, effective August 29, 2005.

General Authority: SDCL 36-32-26, 36-32-43.

Law Implemented: SDCL 36-32-42, 36-32-43.

20:73:05:01. Examination. ~~Applicants shall submit applications and application fees to the board at least 30 days before the date of an examination. The applicant shall pay fees assessed for the written examination directly to the board.~~ The Certified Clinical Mental Health Counselor Examination (CCMHCE) is the examination for licensed professional counselor -- mental health. ~~The examination shall be offered twice a year. The board shall notify eligible applicants of the time and place of the examination.~~ The applicant shall apply directly to NBCC.

Source: 25 SDR 85, effective December 22, 1998.

General Authority: SDCL 36-32-43.

Law Implemented: SDCL 36-32-42, 36-32-43.

References: National Board for Certified Counselors, 3 Terrace Way, Suite A, Greensboro, NC 27403, 336-547-0607, www.nbcc.org.

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